

James A. Bruen (State Bar No. 43880)  
 Charles M. Sink (State Bar No. 078168)  
 Thomas B. Mayhew (State Bar No. 183539)  
 Carl E. Switzer (State Bar No. 211858)  
 Arjun Agarwal (State Bar No. 233576)  
 FARELLA BRAUN + MARTEL LLP  
 235 Montgomery Street, 17th Floor  
 San Francisco, CA 94104  
 Telephone: (415) 954-4400  
 Facsimile: (415) 954-4480  
 E-mail: jbruen@fbm.com  
 E-mail: csink@fbm.com  
 E-mail: tmayhew@fbm.com  
 E-mail: cswitzer@fbm.com  
 E-mail: aagarwal@fbm.com

*Additional Counsel on Signature Page*

Attorneys for Defendant and Counterclaimant  
 GE TRANSPORTATION SYSTEMS GLOBAL  
 SIGNALING, LLC

John W. Crowley (State Bar No. 039041)  
 Robert B. Stringer (State Bar No. 056148)  
 CROWLEY, STRINGER & FENSKE LLP  
 456 Montgomery Street - 17th Floor  
 San Francisco, California 94104-1250  
 Telephone: (415) 989-1100  
 Facsimile: (415) 421-6651  
 E-mail: jcrowley@crowleysf.com  
 E-mail: bstringer@crowleysf.com

*Additional Counsel on Signature Page*

Attorneys for Plaintiff and Counterdefendant  
 SAN FRANCISCO BAY AREA RAPID TRANSIT  
 DISTRICT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID  
 TRANSIT DISTRICT,

Plaintiff,

vs.

GE TRANSPORTATION SYSTEMS  
 GLOBAL SIGNALING, LLC,

Defendant.

Case No. C 06 3749 JSW

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER DISMISSING THE SECOND  
 AMENDED COUNTERCLAIM  
[F.R.Civ.P. 41(a) and 41(c)]**

Judge: Hon. Jeffrey S. White

Complaint Filed: June 13, 2006  
 Trial Date: August 30, 2010

AND RELATED COUNTERCLAIM.

Pursuant to Rules 41(a) and 41(c) of the Federal Rules of Civil Procedure, Plaintiff and Counterdefendant SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") and Defendant and Counterclaimant GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC ("GETS") hereby stipulate that:

1. In light of the Court's ruling as to exclusive remedies under the contract, GETS wishes to voluntarily dismiss its Second Amended Counterclaim, and the Court may order its dismissal; and

2. BART waives any right to claim costs that might otherwise arise based on this voluntary dismissal of GETS' counterclaim (28 USC §1920). This waiver does not affect BART's right to claim costs in the event that it is entitled to such costs for prevailing on its own claims.

IT IS SO STIPULATED

DATED: July 13, 2010

FARELLA BRAUN + MARTEL, LLP

By:   
Charles M. Sink

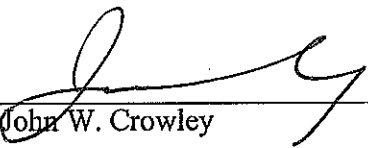
*Additional Counsel:*

Ned N. Isokawa (State Bar No. 066287)  
Paul, Hastings, Janofsky & Walker LLP  
55 Second Street  
Twenty-Fourth Floor  
San Francisco, CA 94105  
Telephone: (415) 856-7000  
Facsimile: (415) 856-7100  
E-mail: nedisokawa@paulhastings.com

Attorneys for Defendant and Counterclaimant  
GE TRANSPORTATION SYSTEMS GLOBAL  
SIGNALING, LLC

1 DATED: July 13, 2010

CROWLEY, STRINGER & FENSKE LLP

2  
3 By:   
John W. Crowley

4  
5 *Additional Counsel:*

6 Richard Rosenberg (State Bar No. 067336)  
7 Rosenberg Law Firm  
8 456 Montgomery Street, 17th Floor  
9 San Francisco, CA 94104-1250  
10 Telephone: (415) 675-7100  
11 Facsimile: (415) 358-5823  
12 E-mail: rdr@rosenberglawfirm.com

13 Attorneys for Plaintiff and Counterdefendant  
14 SAN FRANCISCO BAY AREA RAPID  
15 TRANSIT DISTRICT

16 ~~PROPOSED~~ ORDER

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 DATED: July 14, 2010

19   
20 Hon. Jeffrey S. White  
21 United States District Court Judge